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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,863	01/22/2004	Eino Jacobs	A02 3122 USB	5930
65913	7590	10/26/2009		
NXP, B.V. NXP INTELLECTUAL PROPERTY & LICENSING M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER VICARY, KEITH E	
			ART UNIT 2183	PAPER NUMBER
			NOTIFICATION DATE 10/26/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No. 10/762,863	Applicant(s) JACOBS ET AL.	
	Examiner Keith Vicary	Art Unit 2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the appeal brief filed on 8/11/2009, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

***.

2. Claims 30-32 are pending in this office action and presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2183

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Murayama (US 4251862).

5. The invention of Murayama was cited and explained by Maccianti et al. in col. 2, lines 13-22, which was cited in the pertinent prior art section of the office action dated 10/9/2008. Although Maccianti's explanation of Murayama can likewise read on the claimed limitations, the examiner is using the Murayama reference for purposes of overall clarity.

6. Consider claim 30, Murayama discloses of a first instruction (Figure 2A, instruction k) including a format field (Figure 2, bit field 101) that specifies an instruction compression format (col. 2, lines 56-63; when the bit 101 is a "0", field 102 is an ordinary control field, and when the bit 101 is a "1", field 102 is used to address the sub-control memory; this is further explained below); and a second instruction, following the first instruction (Figure 2A, instruction k+1), that is compressed according to the format field in the first instruction (col. 3, lines 34-39, a sub-microinstruction read out to the sub-microinstruction register 12 is activated only when the bit position 101 of the preceding main microinstruction read out from the main control memory 2 is detected to have a binary code "1" instructing the use of the sub-control memory 11; col. 5, lines 36-42, where, therefore, a microinstruction read out of the main control memory 1 includes a "1" bit 101 instructing the use of the sub-control memory, then the succeeding microinstruction is executed in the form of a large bit length comprising data read out of the main control memory 1 and data read out of the sub-control memory 11; In other

Art Unit: 2183

words, when the bit 101 of instruction k is a "0", an instruction k+1 is fully compressed in that the entire instruction which is sent to the processing unit is located in the main control memory; when the bit 101 of instruction k is a "1", an instruction k+1 is partly compressed into the main control memory, with the rest of the instruction located in sub-control memory).

7. Consider claim 31, Murayama discloses that the second instruction includes a compressed operation, the compressed operation being compressed according to the first format field (as explained above, when the bit 101 of instruction k is a "0", an instruction k+1 is fully compressed in that the entire instruction which is sent to the processing unit is located in the main control memory; when the bit 101 of instruction k is a "1", an instruction k+1 is partly compressed into the main control memory, with the rest of the instruction located in sub-control memory; Figure 4 also shows the correlation between the assertion of bit 101 and the subsequent execution of the k+1 instruction and "a", the readout from the sub-control memory).

8. Consider claim 32, Murayama discloses the second instruction includes a second format field that specifies a compression of an operation in a third instruction (Figure 2A, for example, instruction K+1 also contains a format field 101 which is used in an analogous fashion).

Response to Arguments

9. Examiner has withdrawn the previously made 102 rejection using Eickemeyer as the broad interpretation of the "compression" limitation used therein does not appear to be reasonable.

10. Examiner has withdrawn the previously made 103 rejection as the current rejection using Murayama appears to be stronger when applied to the current set of claims. However, examiner notes that the Yajima and Colwell arts of the aforementioned 103 rejection may be pertinent in the case that any VLIW aspects of the instant invention are brought into the claims to overcome the Murayama reference.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith Vicary whose telephone number is (571)270-1314. The examiner can normally be reached on Monday - Thursday, 7:00 a.m. - 5:30 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on 571-272-4162. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2183

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eddie P Chan/
Supervisory Patent Examiner, Art Unit 2183

/Keith Vicary/
Examiner, Art Unit 2183